

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Justin J. Dekker and Michelle K. Dekker,

Plaintiffs,

v.

Cenlar FSB and CitiMortgage, Inc.,

Defendants.

Case No.: 21-cv-162 (MJD/TNL)

**STIPULATED MOTION TO AMEND
SECOND AMENDED PRETRIAL
SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16(b)(4) and LR 16.3, Plaintiffs Justin and Michelle Dekker (the “Dekkers”), Defendant Cenlar FSB (“Cenlar”), and Defendant CitiMortgage, Inc. (“CMI”), (collectively, the “Parties”) hereby stipulate as follows:

1. WHEREAS the Court’s March 4, 2022, Second Amended Pretrial Scheduling Order provides that fact discovery is to be completed by September 1, 2022;
2. WHEREAS the Second Amended Pretrial Scheduling Order also provides certain other deadlines based on the September 1, 2022, discovery deadline;
3. WHEREAS substantial written discovery between the parties has been completed;
4. WHEREAS additional written discovery between the parties is pending, with responses due in the second and third weeks of August;
5. WHEREAS on February 28, 2022, Plaintiffs filed Plaintiffs’ Motion to Compel and noticed a hearing for March 14, 2022;

6. WHEREAS Defendants requested postponements of the hearing on Plaintiffs' Motion to Compel to allow additional time to attempt to informally resolve their objections to Plaintiffs' discovery requests, to which postponements Plaintiffs agreed;

7. WHEREAS Plaintiffs' Motion to Compel was eventually heard on May 26, 2022;

8. WHEREAS, at the May 26, 2022, hearing, each Defendant agreed that it would produce certain documents voluntarily, while other discovery remained disputed;

9. WHEREAS The Court took the disputed discovery matters under advisement, and a decision on those matters is pending;

10. WHEREAS on June 27, 2022, Defendant Cenlar produced certain documents that it had agreed at the May 26 hearing to produce voluntarily;

11. WHEREAS on July 12, 2022, Plaintiffs noticed depositions of certain Cenlar employees for July 27 and 29, 2022;

12. WHEREAS Cenlar requested and Plaintiffs agreed to postpone those Cenlar depositions;

13. WHEREAS Plaintiffs noticed those depositions for August 18 and 19, 2022;

14. WHEREAS Cenlar contends that those depositions will take place on mutually convenient dates for the witnesses and counsel;

15. WHEREAS Defendant CMI continues to identify and prepare for production of the documents it agreed to produce at the May 26 hearing ;

16. WHEREAS Plaintiffs hope to have a more complete document production from Defendants before proceeding with all of the depositions Plaintiffs intend to take;

17. WHEREAS Defendants are awaiting Plaintiffs' responses to their pending discovery requests to schedule Plaintiffs' depositions and to identify any additional fact witnesses they may wish to depose;

18. WHEREAS the Parties anticipate that all fact discovery can be completed by December 1, 2022, and they agree that no party will be prejudiced by the proposed modification of the scheduling order.

19. THEREFORE, good cause exists to amend the March 4, 2022, Second Amended Pretrial Scheduling Order, and the Parties request the Court enter an Order

a. Amending the remaining deadlines as follows:

- i. All discovery shall be commenced in time to be completed by **December 1, 2022.**
- ii. Disclosure of the identity of expert witnesses under Fed. R. Civ. P. 26(a)(2)(A) and the full disclosures required by Fed. R. Civ. P. 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

1. Plaintiff

- a. Identification by Plaintiff on or before **January 15, 2023.**
- b. Report by Plaintiff on or before **January 15, 2023.**
- c. Rebuttal witness and reports shall be disclosed on or before **February 15, 2023.**

2. Defendant

- a. Identification by Defendant on or before **January 15, 2023.**

- b. Report by Defendant on or before **January 15, 2023**.
 - c. Rebuttal witness and reports shall be disclosed on or before **February 15, 2023**.
 - iii. Expert discovery, including depositions, shall be completed on or before **March 15, 2023**.
 - iv. Except as to non-dispositive motion deadlines specifically set forth elsewhere in this Order, all non-dispositive motions and supporting documents, including those which relate to discovery, shall be served and filed on or before **December 1, 2022**.
 - v. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **March 15, 2023**.
 - vi. All dispositive motions shall be filed by the moving party on or before **June 15, 2023**.
- b. Reflecting that the Court issued a Protective Order on August 6, 2021, so noting Paragraph 1.g. of the scheduling order is now moot, in part.
- c. Stating that all other provisions of the March 4, 2022, Second Amended Pretrial Scheduling Order shall remain in full force and effect.

Stipulated to:

By: /s/John H. Goolsby

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Dated: August 5, 2022

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Dated: August 5, 2022